

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 5470 of 2004(A)

PETITIONER:

PRASOBH KAMAL, KESAVA SADANAM,
VEERANAKAVU P.O., ARIVUKUZHAY (VIA),
KATTAKKADA.

BY ADV. SRI.R.ANILKUMAR.

RESPONDENTS:

1. STATE OF KERALA, REP.BY SECRETARY,
LAND REVENUE DEPT., SECRETARIAT,
THIRUVANANTHAPURAM.
2. DISTRICT COLLECTOR, TRIVANDRUM.
3. REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM.
4. TAHSILDAR, NEDUMANGAD.
5. POOVACHAL GRAMA PANCHAYAT, REP.BY
SECRETARY, POOVACHAL P.O., VIA.KATTAKADA,
THIRUVANANTHAPURAM.
6. SOMAN, S/O. GOVINDAN, KUZHIVILAKATHE
VEEDU, ARUVIKUZHAY, VEERANAKAVU P.O.,
KATTAKADA, THIRUVANANTHAPURAM.
7. BIJU, BIJU'S BHAVAN, KUZHIVILA,
ARIVIKUZHAY, VEERANAKAVU P.O.,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. MANOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C). NO.5470/2004:

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P.1: COPY OF THE REGISTERED TITLE DEED NO. 862 OF KATTAKADA SUB
REGISTRY DTD. 05/04/2000.**

**EXT.P.2: COPY OF THE SALE DEED NO. 2134 OF KATTAKKADA SUB-REGISTRY DT.
16/09/1985.**

**EXT.P.3: COPY OF THE JUDGMENT IN O.P. NO. 3136/2002 (E) OF HONOURABLE HIGH
COURT ON 19/09/2003.**

**EXT.P.4: COPY OF THE PLAINT IN O.S. NO. 351/02 NOW PENDING BEFORE THE
MUNSIFF'S COURT, NEDUMANGAD.**

**EXT.P.5: COPY OF THE ORDER PASSED IN I.A. NO. 1868/02 IN O.S. NO. 351/02 DT.
30/07/2002.**

**EXT.P.6: COPY OF THE SKETCH PREPARED BY THE ADVOCATE COMMISSIONER WITH
COMMISSION REPORT ON 29/07/02.**

EXT.P.7: COPY OF THE JUDGMENT IN W.P.(C). NO. 39386/03 DT. 15/12/03.

EXT.P.8: COPY OF THE NOTICE ISSUED ON 05/02/04 TO THE PETITIONER.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.5470 of 2004

Dated 28th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following
prayer :-

“To issue a writ of mandamus or other appropriate writ, direction or order commanding the respondents 2 to 4 not to proceed with Ext.P8 proceedings A5-8146/01 dated 5.2.2004 issued by the 2nd respondent under the Land Conservancy Act holding that there is no 'puramboke' land encroached by the petitioner in property in Sy.No.442/12 of Veeranakavu village and the entire proceedings initiated by the 2nd respondent is highly illegal, arbitrary and violating principles of natural justice and fair play.”

On 13.2.2004, this Court passed the following order :-

“Notice is ordered on condition that petitioner will withdraw the suit and file memo in Court. Notice will be issued only after filing of memo of withdrawal.”

It is reported that so far, the withdrawal memo has not been filed.

The writ petition is hence dismissed.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.